

REMARKS/ARGUMENTS

Claims 1, 5, 6, 9, 10 and 13-17 are pending, claims 5, 6 and 13 having been withdrawn from consideration. By this Amendment, claims 3, 4, 7, 8, 11 and 12 are cancelled, and claims 1, 5, 9 and 13 are amended, and new claims 14-17 are presented. Support for the amendments to claims 1, 5, 9 and 13 and new claims 14-17 can be found, for example, in the present specification at paragraphs [0013], [0014] and [0022], and in original claims 1, 5, 9 and 13. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1, 9 and 10 under 35 U.S.C. §102(b) over Waki, H., et al., "Impaired Multimerization of Human Adiponectin Mutants Associated with Diabetes," J. Bio. Chem., 278 (41): 40352-63 (2003) ("Waki"). Applicants respectfully traverse the rejection.

Claim 1 recites "[a] method of pretreating a sample in preparation for immunologically assaying a total amount of adiponectin present in the sample, comprising: adding an acid or a salt thereof to the sample, the acid or salt having a pH of 4 or less; and allowing the acid or salt to react with the sample without boiling the combined sample and acid or salt; wherein the sample is an adiponectin multimer-containing sample" (emphasis added). Claim 9 recites "[a] method for measuring a total amount of adiponectin present in a sample, comprising: adding an acid or a salt thereof to the sample, the acid or salt having a pH of 4 or less; allowing the acid or salt to react with the sample without boiling the combined sample and acid or salt; and subsequently performing an immunological assay of the sample for adiponectin; wherein the sample is an adiponectin multimer-containing sample" (emphasis added). Waki does not disclose or suggest such methods.

Claims 1 and 9 require that an adiponectin-containing sample be treated with an acid or a salt thereof having a pH of 4 or less. The Office Action asserts that, because Waki discloses treating an adiponectin-containing sample with an SDS-PAGE buffer, such as Tris-HCl, Waki discloses treating an adiponectin-containing sample with an acid or a salt. *See* Office Action, page 3. However, Tris-HCl, as employed in Waki (see page 40353), has a pH of 6.87, which is outside of the pH range recited in claims 1 and 9.

As Waki fails to disclose or suggest treating an adiponectin-containing sample with an acid or a salt thereof having a pH of 4 or less, Waki fails to disclose or suggest each and every feature of claims 1 and 9.

As explained, claims 1 and 9 are not anticipated by Waki. Claim depends from claim 9 and, thus, also is not anticipated by Waki. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection Under 35 U.S.C. §103

The Office Action rejects claims 1, 3, 4 and 9-12 under 35 U.S.C. §103(a) over Fruebis, J., et al., "Proteolytic cleavage product of 30-kDa adipocyte complement-related protein increases fatty acid oxidation in muscle and causes weight loss in mice," PNAS, 98 (4): 2005-2010 (2001) ("Fruebis"). By this Amendment, claims 3, 4, 11 and 12 are cancelled, rendering the rejection moot as to those claims. As to the remaining claims, Applicants respectfully traverse the rejection.

Claims 1 and 9 are set forth above. Fruebis does not disclose or suggest such methods.

Claims 1 and 9 require that an adiponectin-containing sample be treated with an acid or a salt thereof having a pH of 4 or less. The Office Action asserts that Fruebis discloses treating an adiponectin-containing sample with trypsin, and that it would have been obvious

to subject such a treated sample to an immunoassay. *See* Office Action, page 4. However, as indicated above, claims 1 and 9 have been amended to require treatment with an acid or a salt thereof having a pH of 4 or less. There is no teaching or suggestion in Fruebis that any of the employed reactants other than trypsin (e.g., buffers, etc.) are or should be an acid or a salt thereof having a pH of 4 or less, as recited in claims 1 and 9.

As Fruebis fails to disclose or suggest treating an adiponectin-containing sample with an acid or a salt thereof having a pH of 4 or less, Fruebis fails to disclose or suggest each and every feature of claims 1 and 9.

As explained, claims 1 and 9 would not have been rendered obvious by Fruebis. Claim 10 depends from claim 9 and, thus, also would not have been rendered obvious by Fruebis. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

New Claims

By this Amendment, new claims 14-17 are presented. New claims 14-17 depend from pending claims and, thus, are believed to be allowable for at least the reasons already of record in this application.

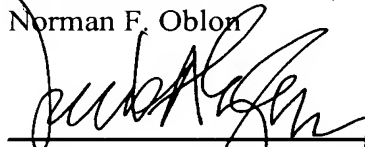
Conclusion

For the foregoing reasons, Applicants submit that claims 1, 5, 6, 9, 10 and 13-17 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

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